



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

APR 15 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

CONFIDENTIAL FOR SETTLEMENT PURPOSES ONLY
SENT BY CERTIFIED MAIL RETURN RECEIPT REQUESTED

Reply To: OCE-101

SUKKAM, LLC
Registered Agent for Plummer Quick Stop
1617 S. Stanley Lane
Spokane, Washington 99212

Re: Notice of Violation of the Clean Air Act and Opportunity to Settle
Docket No. CAA-10-2016-0089

Dear Sir or Madam:

The U.S. Environmental Protection Agency ("EPA") is providing you with notice, pursuant to Section 113 of the Clean Air Act ("CAA"), 42 U.S.C. § 7413, of its findings that SUKKAM, LLC d/b/a Plummer Quick Stop ("Plummer Quick Stop") has violated the CAA, 42 U.S.C. §§ 7401, *et seq.*, by failing to submit its annual registrations for 2014 and 2015 by February 15, 2015 and February 15, 2016, respectively, for the air pollution source located at 300 10th Street in Plummer, Idaho.

EPA has adopted basic air quality regulations under the CAA that apply to air pollution sources located on Indian Reservations in Idaho, Oregon, and Washington. These rules, known as the Federal Air Rules for Reservations ("FARR"), became effective on June 7, 2005, and are codified at 40 C.F.R. Part 49, Subparts C and M. The FARR provisions that apply within the Coeur d'Alene Reservation are incorporated by reference at 40 C.F.R. § 49.9930 and include rules that require annual re-registration with EPA for specified types of air pollution sources.

As detailed in the enclosed Notice of Violation, EPA has determined that Plummer Quick Stop is in violation of the annual registration requirement at 40 C.F.R. § 49.138(e)(2). Failing to comply with the annual registration requirement is a violation of the FARR and the CAA. For such violations, Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19 authorize EPA to assess administrative penalties or bring a civil action in federal district court seeking civil penalties.

EPA uses the factors spelled out in Section 113 of the CAA, 42 U.S.C. § 7413, along with the *EPA Region 10's Civil Penalty Guidelines for the Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon, and Washington* ("Penalty Guidelines") to determine the amount of penalty it will seek in CAA enforcement actions. A copy of the Penalty Guidelines is included with the enclosures. In this case, EPA has determined that an appropriate penalty to settle the violations is \$288. As explained in the enclosed penalty worksheet, EPA's penalty is based on your violations constituting two administrative violations that each lasted for a period of more than one day.

If you disagree with EPA's determinations, you may respond **within 30 days of your receipt of this Notice**. If you do not dispute EPA's determinations and wish to promptly resolve this matter, you may do so by registering your facility and accepting EPA's proposed terms of settlement. To accept EPA's proposed terms of settlement, please sign and return the enclosed Consent Agreement and Final Order **within 30 days of your receipt of this offer**.

The Consent Agreement and the Final Order specify the terms of settlement that EPA is willing to accept to resolve the violation. Materials to assist you in this matter are enclosed. EPA's Small Business Resources Information Sheet is enclosed and will provide information on small business resources, which may be helpful to you.

If you accept these proposed terms of settlement, please sign the Consent Agreement and send it to:

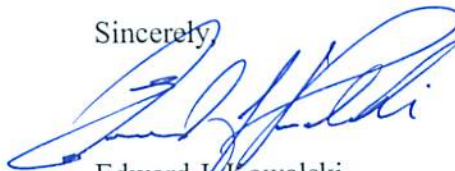
Grace Hwang, Attorney Advisor
Office of Regional Counsel
EPA Region 10
1200 Sixth Avenue, Suite 900
Mail Stop: ORC-113
Seattle, Washington 98101

On timely receipt of a signed Consent Agreement and correction of the violation, EPA will co-sign the Consent Agreement that assesses the agreed penalty and will issue the Final Order. Once the Consent Agreement and Final Order are filed, the Final Order will be effective and your penalty payment will be due within 30 days. Be aware that EPA generally issues a press release announcing the settlement.

If you have questions about EPA's allegations and settlement proposal, you may contact Grace Hwang, Attorney Advisor, at 206-553-8577 or hwang.grace@epa.gov. If you do not respond **within 30 days** or you choose to reject this settlement offer, EPA may file an administrative Complaint to resolve these allegations. EPA reserves the right to seek the maximum allowable penalty in litigation of this case.

Thank you for your prompt attention to this important matter.

Sincerely,



Edward J. Kowalski
Director

Enclosures

1. Notice of Violation
2. FARR Penalty Calculation Sheet for Plummer Quick Stop
3. FARR Registration Compliance Assistance Materials
4. Small Business Resources Information Sheet
5. Consent Agreement and Final Order
6. EPA Region 10's Civil Penalty Guidelines for the Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington. 40 C.F.R. Part 49

cc w/enc: SUKKAM, LLC d/b/a Plummer Quick Stop
300 10th Street
Plummer, ID 83851

FARR Penalty Calculation Sheet for Plummer Quick Stop

Violations: Failure to annually register a pollution source. **Citation:** 40 C.F.R. § 49.138(e)(2)

This Federal Air Rules for Reservations (FARR) penalty amount was calculated in consideration of the following Clean Air Act and FARR penalty factors as described in: EPA Region 10's Civil Penalty Guidelines for the Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon, and Washington.

EPA's total penalty demand consists of the following components:

1. **Seriousness of the violations:** For calendar year 2014, Respondent failed to submit its FARR registration by February 15, 2015. For 2015, Respondent failed to submit its FARR registration by February 15, 2016. These two violations were administrative in nature so \$100 is included for this component.
2. **Duration of the violations:** The annual registration for 2014 was submitted on 3/5/2015, more than one day after the 2/15/2015 deadline. The annual registration for 2015 was submitted on 2/22/2016, more than one day after the 2/15/2016 deadline. The total duration of all violations combined is counted as two instances of more than one day violations, so \$100 is included for this component.
3. **Size of the violator:** The violator is a minor source subject to the registration rule so \$50 is included for this component.
4. **Compliance history:** The violator has no prior environmental violation so an adjustment of \$0 is included for this component.
5. **Good faith efforts to comply:** The violator did correct each problem, but did so in a less timely fashion, so \$0 is included for this component.
6. **Inflation:** the penalty subtotal is multiplied by a factor of 1.1518 to account for monetary inflation.
7. Total calculated penalty based on all the above factors is: **\$288**

FARR Penalty Calculation Sheet for Plummer Quick Stop

FARR Penalty Table	Penalty Amount
1. Seriousness of the violation	\$100
2. Duration of the violation	\$100
3. Size of the violator	\$50
Gravity Sub-Total	\$250
4. Compliance history	\$0
5. Good faith efforts to comply	\$0
Penalty Sub-Total	\$250
6. Inflation: Account for inflation in accordance with the <i>Civil Monetary Penalty Inflation Adjustment Rule (effective December 6, 2013)</i> .	1.1518
7. Total Penalty	\$288

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

In the Matter of:

Plummer Quick Stop
300 10th Street
Plummer, ID 83851

Respondent.

NOTICE OF VIOLATION

Pursuant to Section 113 of the Clean Air Act ("CAA"), 42 U.S.C. § 7413, the United States Environmental Protection Agency ("EPA"), through the Director of the Office of Compliance and Enforcement, and upon the basis of available information, hereby issues the following Notice of Violation to Plummer Quick Stop ("Respondent").

APPLICABLE STATUTES AND REGULATIONS

1. Pursuant to Sections 301(a) and 301(d)(4) of the CAA, EPA has adopted air quality regulations that apply to air pollution sources on Indian Reservations in Idaho, Oregon, and Washington, which are codified at 40 C.F.R. Part 49, Subparts C and M. These rules are known as the Federal Air Rules for Reservations ("FARR") and became effective on June 7, 2005.

2. The FARR provisions that apply on the Coeur d'Alene Reservation are incorporated by reference at 40 C.F.R. § 49.9930.

3. 40 C.F.R. § 49.138, the rule for registration of air pollution sources and the reporting of emissions, incorporated by reference at 40 C.F.R. § 49.9930, requires a person who owns or operates an air pollution source subject to the requirement to register the air pollution

source annually with the EPA Regional Administrator by February 15 of each year in accordance with the requirements set out in 40 C.F.R. § 49.138(e).

4. An air pollution source is subject to the requirements of 40 C.F.R. § 49.138(d) if it does not meet the exemptions listed in 40 C.F.R. § 49.138(c).

5. 40 C.F.R. § 49.138(d), which is incorporated by reference at 40 C.F.R. § 49.9930, requires any person who owns or operates an air pollution source subject to this section on the Coeur d'Alene Reservation, except for Part 71 sources (major sources), to register the source annually with the Regional Administrator and submit reports by February 15 of each year in accordance with the requirements set out in 40 C.F.R. § 49.138(e).

6. 40 C.F.R. § 49.123(a), incorporated by reference at 40 C.F.R. § 49.9930, defines "owner or operator" as any person who owns, leases, operates, controls, or supervises an air pollution source.

VIOLATIONS

7. Respondent is a corporation, registered in the State of Idaho, and is a "person" as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

8. Respondent owns a facility on the Coeur d'Alene Reservation, located at 300 10th Street, Plummer, Idaho, that is not a Part 71 source, as defined in 40 C.F.R. § 49.123.

9. Respondent emits more than two tons of an air pollutant per year, does not meet the exemptions listed in 40 C.F.R. § 49.138(c), and is therefore subject to the rule for the registration of air pollution sources and the reporting of emissions.

10. Respondent submitted its 2014 re-registration to the Regional Administrator on March 5, 2015, more than one day after the February 15, 2015 deadline.

11. Respondent submitted its 2015 re-registration to the Regional Administrator on

In the Matter of: Plummer Quick Stop
Notice of Violation - Page 2 of 3

February 22, 2016, more than one day after the February 15, 2016 deadline.

12. The failure to timely submit annual re-registration of air pollution sources by February 15 is a violation of 40 C.F.R. § 49.138(e)(2). Therefore, Respondent violated 40 C.F.R. § 49.138(e)(2), incorporated by reference at 40 C.F.R. § 49.9930.

ENFORCEMENT

13. Section 113 of the CAA, 42 U.S.C. § 7413, authorizes EPA to impose penalties for past and continuing violations of the CAA, including issuance of an administrative penalty order assessing penalties of up to \$37,500 per day of violation at any time after the expiration of 30 days following the date on which notice of violation is issued. This Notice of Violation does not waive or limit EPA's right to any remedy available to it under the CAA.

14. This Notice of Violation shall become effective immediately upon issuance.

Issued at Seattle, Washington, this 15th day of April, 2016.



Edward J. Kowalski, Director
Office of Compliance and Enforcement